

No 14/13/87-6Lab./278.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunals-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Premier, Ind. and Controls Ltd., Gurgaon *versus* Shri Tek Chand.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON  
Reference No. 164 of 1990

*between*

SHRI TEK CHAND S/O SHRI SHYAM LAL C/O SHRI SHARDHA NAND, GENERAL SECRETARY, AITUC OFFICE, 214/4, MARLA, GURGAON

*and*

THE MANAGEMENT OF M/S PREMIER INSTRUMENTS AND CONTROLS LTD, PLOT NO. 308, UDYOG VIHAR, GURGAON.

*Present :*

Shri Tek Chand workman in person.

Shri G. C. Walesha for the management.

WARD

In exercise of powers conferred by Clause(c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter between the parties mentioned above to this Court for adjudication,—*vide* Haryana Government Labour Department Endst. No. 14194-99, dated 29th March, 1990.

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed of as fully settled.

ANITA CHAUDHARY,

The 29th July, 1994.

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Endorsement No. 1164, dated the 29th July, 1994.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

No. 14/13/87-6 Lab./279.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947(Central Act No. XIV of 1947)the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Rubber Spare Industries, Gurgaon *versus* Shri Magru Parshad.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 438 of 1992

*between*

SHRI MAGRU PARSHAD, S/O SHRI SURAJ BHAN, HOUSE NO. 1, SHAKTI PARK,  
KHANDSA ROAD, GURGAON

*and*

THE MANAGEMENT OF M/S RUBBER SPARE INDUSTRIES, PLOT NO. 95, I.D.C.  
MEHRAULI ROAD, GURGAON

*Present :*

Shri Shardha Nand, for the workman.

Shri Devender Jain, for the management.

## AWARD

In exercise of powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter between the parties, mentioned above to this Court for adjudication,—*vide* Haryana Govt. Labour Department Endst. No. 43052—57 dated 15th September, 1992.

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed of as fully settled.

ANITA CHAUDHARY,

The 27th July, 1994.

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Endorsement No. 1160, dated 28th July, 1994.

Forwarded (four copies) to the Secretary to Govt. Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the I.D. Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

No. 14/13/87-6 Lab./280.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s. Sun-N-Shade Enterprises, Gurgaon versus Smt. Asha.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 310 of 1992

*between*

SMT. ASHA C/O SHRI SHARDHA NAND, GENERAL SECRETARY, AITUC OFFICE, 214/4, MARLA, GURGAON

*and*

THE MANAGEMENT OF M/S SUN-N-SHADE ENTERPRISES, PLOT NO. G. P. 47, SECTOR 18, GURGAON.

*Present :*

Shri Shardha Nand, for the workman.

Smt Ujawala Hira Math, for the management.

## AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 the Governor of Haryana referred the service matter, between the parties mentioned above to this Court, for adjudication,—*vide* Haryana Government Labour Department, Endst. No. 29010-15, dated 27th June, 1992.

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed of as fully settled.

The 29th July, 1994.

ANITA CHAUDHARY

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Endorsement No. 1163, dated the 29th July, 1994.

forwarded (four copies) to the Secretary to Govt. Haryana, Labour & Employment Departments, Chandigarh, as required under Section 15 of the I. D. Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

No. 14/13/87-6Lab./281.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following awards of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the Workman and the management of M/s A.A. Fashion Ind. Gurgaon *versus* Shri Dharam Pal.

**IN THE COURT OF MRS. NIRMAL YADAV, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON.**

Reference No. 383 of 1992

*between*

**SHRI DHARAM PAL C/O SHRI P. K. THUMPY, PRESIDENT FACTORY WORKERS UNION,  
I.D.P.L. TOWNSHIP, GURGAON**

*and*

**THE MANAGEMENT OF M/S. A.A. FASHION INDUSTRIES PVT. LTD., 196, UDYOG VIHAR,  
GURGAON.**

*Present:*

Shri P. K. Thumpy, for the workman

None for the management.

**AWARD**

1. In exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (in short "the Act"), the Governor of Haryana referred the following dispute between the parties, mentioned above to this Court, for adjudication,—*vide* Haryana Government Labour Department endorsement No. 34534—39, dated the 24th July, 1992 :—

Whether the termination of services of Shri Dharam Pal is legal and justified ? If not, to what relief is he entitled ?

2. The facts according to petitioner's claim statement are that he was appointed as helper with the management w. e. f. 25th October, 1986 at the salary of Rs. 1000/- p.m. It is stated that management terminated petitioner's service w. e. f. 19th January, 1992 in violation of mandatory provisions of Section 25F of I.D. Act.

3. Notice of reference was sent to the management and Shri S.K. Goswami appeared on behalf of the management on three dates. Case was fixed for filing written statement on payment of Rs. 50/- as cost for 8th April, 1993. On 8th April 1993, none appeared on behalf of the management therefore management was proceeded against ex-parte.

4. In his ex parte evidence, workman reiterated his claim. Petitioner categorically stated that he continuously worked from 25th October, 1986 to 19th January, 1992 with the respondent, management when his services were terminated in violation of the mandatory provisions of section 25F of the I. D. Act, 1947. Petitioner produced photo copy of leave book Ex. W1 which shows that Petitioner worked in the year 1990 for 258½ days. Petitioner produced attendance card Ex-W2 for the month of August, 1991. Petitioner produced certificate issued by the management that petitioner was working with them for issuance of bus pass. All these documents clearly shows that petitioner worked with the management for more than 240 days. According to petitioner, no notice or pay in lieu thereof or retrenchment compensation was given to him at the time of termination of his service. Termination of petitioner's service is not legal and justified. Petitioner is entitled to reinstatement with continuity of service and full back wages.

NIRMAL YADAV,

The 12th May, 1994.

Presiding Officer,  
Industrial Tribunal-Cum-Labour Court,  
Gurgaon.

Endorsement No. 823-24, dated the 31st May, 1994.

A copy, is forwarded, to :—

- (1) Labour Commissioner, Haryana, Chandigarh.
- (2) Labour Officer, Gurgaon.

NIRMAL YADAV,

Presiding Officer,  
Industrial Tribunal-Cum-Labour Court,  
Gurgaon.

No. 14/13/87- 6Lab./282.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s S. D. O., B&R, Gurgaon versus Shri Tara Chand.

IN THE COURT OF MRS. NIRMAL YADAV, PRESIDING OFFICER,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 437 of 1992

*between*

SHRI TARA CHAND C/O SHRI SHARDHA NAND, GENERAL SECRETARY, AITUC UNION,  
214/4 MARLA, GURGAON

*and*

THE MANAGEMENT OF M/S S. D. O. (B&R), DIVISION NO. III, ALWAR ROAD, GURGAON.

*Present:*

Shri Shardha Nand for the workman.

None for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (in short "the Act"), the Governor of Haryana referred the following dispute, between the parties, mentioned above, to this Court, for adjudication,—*vide* Haryana Government, endorsement No. 42601—606, dated the 14th September, 1992:—

Whether the termination of services of Shri Tara Chand, is legal and justified ? If not, to what relief is he entitled ?

2. The facts according to petitioner's claim statement are that he was appointed as Chowkidar with the respondent w.e.f. 1st July, 1986 at the salary of Rs. 972 p.m. It is further stated that petitioner's services were terminated w.e.f. 9th December, 1991 in violation of the mandatory provisions of the I.D. Act, 1947.

3. Notice of the reference was sent to the management. However, it is reported by the peon that respondent-management refused to accept notice of reference, therefore, management was proceeded against *ex parte*.

4. In his *ex parte* affidavit, workman reiterated his claim and stated that he continuously worked with management w.e.f. 1st July, 1987 to 9th December, 1991. It is stated that management did not give any notice or pay in lieu thereof, nor retrenchment compensation was paid to him. Petitioner produced report of the Labour-cum-Conciliation Officer Ex. W1. He also produced letter Ex. W2 written by the petitioner to the management after terminating his service. He produced copies of slips given by the SDO and Junior Engineer to the Belder for executing work. Copies of the slips are Ex. W-3 to Ex. W23.

5. A perusal of the report of the Conciliation Officer under section 12(4) shows that petitioner had submitted his claim that he worked with the management from 1st September, 1986 to 7th December, 1991. Management had stated that petitioner was employed for a specific work and on completion of that work petitioner's services were terminated. Management did not controvert the plea of the petitioner that he had continuously worked from 1st July, 1986 to 7th December, 1991. Sclips Ex. W-2 to Ex. W-23 also shows that petitioner had been executing work directed by the XEN Junior Engineer. Petitioner categorically stated that management did not give any notice or pay in lieu thereof, nor retrenchment compensation was given to him at the time of termination of his service. Management was duty bound to comply with the mandatory provisions of the I.D. Act, 1947. Termination of services of the workman was not legal and justified. Consequently, petitioner is entitled to reinstatement with continuity of service and full back wages. Reference is answered and returned accordingly with no order as to cost.

Dated, the 11th May, 1994.

NIRMAL YADAV,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Endorsement No. 825-26, dated the 31st May, 1994.

A copy is forwarded to :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon.

NIRMAL YADAV,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court  
Gurgaon.

No. 14/13/87-6Lab./283. —In pursuance of the provisions of section 17 of the Industrial disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M.S. Milk Food Ltd. Gurgaon *versus* Sh. Chhote Lal :—

IN THE COURT OF MRS. NIRMAL YADAV, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 234 of 1989

*between*

SHRI CHHOTE LAL C/O SHRI INDER DUTT SHARMA, LABOUR LAW ADVISOR, INTUC  
OFFICE, DELHI ROAD, GURGAON

*and*

THE MANAGEMENT OF M/S MILK FOOD LTD. PLOT NO. 5, MARUTI INDUSTRIAL COMPLEX,  
SECTOR-18, GURGAON

*Present :*

None, for the workman.  
Shri R.P. Bedi, for the management.

#### AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, (in short "the Act") the Governor of Haryana referred the following dispute, between the parties, mentioned above, to this Court, for adjudication, *vide* Haryana Government, endorsement No. 25802—07, dated 17th June, 1989 :—

Whether the termination of services of Shri Chhote Lal is legal and justified? If not, to what relief is he entitled?

2. The facts according to the petitioner's demand notice are that he was appointed as helper with the respondent-management w.e.f. 22nd February, 1987 at the salary of Rs. 533 P.M. Management illegally terminated his services w.e.f. 21st November, 1988.

3. Claim of the petitioner is contested by the management stating that petitioner's services were never terminated by the management, rather, he himself abandoned the job on his accord. It is stated that petitioner was engaged as a casual worker on 1st July, 1987. He worked up to February 1988 for intermittent period. He again joined in the month of November, 1988 and worked only for 16 days. It is stated that petitioner was engaged on casual basis. He never reported on duty after 21st November, 1988. It is stated that petitioner joined M/s. Industrial Fabricators, New Delhi after absenting from duty from the respondent-management.

4. In his rejoinder, workman reiterated his claim and controverted the pleas taken in the written statement. In view of the pleadings of the parties, following issue was framed on 16th February, 1990 :-

Whether the termination of services of Shri Chhote Lal is legal and justified ? If not, to what relief is he entitled ?

5. I have heard learned authorised representatives of the management. My findings on the issues framed are as under :—

6. In order to prove their case, management produced Shri N. K. Chauhan, Supervisor, personnel department who stated that he had brought the attendance register and payment of wages register for the years 1987, 1988 and 1989. He produced chart Ex.M1, Ex.M2 prepared from the attendance register. He produced written comments Ex.M3, which were submitted by the manager before the Labour Officer. He further stated that petitioner never worked continuously. He used to work intermittently with the respondent-management, but after 21st November, 1988, he never reported for duty. In cross examination, witness stated that workman had joined the management on 1st July, 1987 and had worked up to February, 1988. Management never terminated his service, however, he himself abandoned the job. According to witness, attendance card is issued to all the workers in the morning which is again submitted with the management after working hours. He categorically stated that management had taken the plea before the conciliation Officer that workman had voluntarily left the job. Witness stated that management did not write any letter to the workman regarding his absence as he had not left any residential address with the management.

7. After the management closed their evidence case was fixed for evidence of the workman. However, none appeared on behalf of the workman on 20th May, 1993, therefore, two notices were sent to the petitioner for 5th August, 1993 and 30th September, 1993. However, none appeared on behalf of the petitioner, therefore, he was proceeded against *ex parte*.

8. In the present case management produced original attendance register and the wages register in the Court. However, they submitted chart Ex.M1 and Ex.M2. According to the chart, petitioner joined the management in the month of July, 1987 and he worked up to February, 1988. Thereafter, he himself abandoned the job. He again joined the management in the month of February, 1988 and absented from duty w.e.f. 21st November, 1988. M/s Shri N.K. Chauhan categorically stated that petitioner had himself left the job. Management could not write any letter to him regarding his absence as workman had not submitted his residential address to the management, from the unrebutted testimony of Shri N.K. Chauhan, it is well proved that petitioner had himself abandoned the job in the month of February, 1988. Thereafter, he worked only for 16 days in the month of November, 1988 and again abandoned the job. Since the petitioner had himself abandoned the job and had not continuously worked for 240 days with the respondent he is not entitled to any relief. Reference is answered and returned accordingly with no order as to cost.

Dated the 30th May, 1994.

NIRMAL VADAV,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Endorsement No. 843-44, dated the 31st May, 1994.

A copy is forwarded to :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon

NIRMAL VADAV,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.